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7
8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**

10 In re
11 GIRARDI KEESE,
12 Debtor.

Case No. 2:20-bk-21022-BR
Chapter 7
Adv. No. 2:23-ap-01022-BR

13 **NOTICE OF VOLUNTARY DISMISSAL**
14 **OF COMPLAINT FOR (1) AVOIDANCE**
15 **AND RECOVERY OF FRAUDULENT**
16 **TRANSFERS, (2) PRESERVATION OF**
17 **FRAUDULENT TRANSFERS, AND (3)**
18 **DISALLOWANCE OF CLAIMS**

DATE:
TIME: [No Hearing Required]
PLACE:

19 ELISSA D. MILLER, solely in her capacity
20 as chapter 7 trustee,

21 Plaintiff,

22 vs.

23 MGM RESORTS INTERNATIONAL, INC.,
a Delaware corporation; MANDALAY
24 BAY, LLC, a Nevada limited liability
company; VICI PROPERTIES, INC., a
25 Maryland Corporation; and BLACKSTONE
REAL ESTATE INCOME TRUST, INC., a
26 Maryland corporation,

27 Defendants.
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1 **TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE,**
2 **THE DEFENDANT, AND ALL OTHER PARTIES ENTITLED TO NOTICE:**

3 **PLEASE TAKE NOTICE** that, pursuant to Rule 41(a)(1)(A)(i) of the Federal
4 Rules of Civil Procedure, as made applicable to this adversary proceeding pursuant to
5 Rule 7041 of the Federal Rules of Bankruptcy Procedure, plaintiff, Elissa D. Miller, the
6 duly appointed, qualified, and acting chapter 7 trustee for the estate of the debtor Girardi
7 Keese, hereby voluntarily dismisses the above-captioned adversary proceeding as
8 against defendants MGM Resorts International, Inc., a Delaware corporation; Mandalay
9 Bay, LLC, a Nevada limited liability company; VICI Properties, Inc., a Maryland
10 Corporation; and Blackstone Real Estate Income Trust, Inc., a Maryland corporation
11 (collectively, the “Defendants”), with prejudice. Defendants have neither filed answers to
12 the operative complaint nor a motion for summary judgment as to the claims for relief set
13 forth therein. Dismissal under Rule 41(a)(1)(A)(i) is therefore appropriate.

14 DATED: April 23, 2024

Greenspoon Marder LLP

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16 By: /s/ Daniel A. Lev
Daniel A. Lev
17 Attorneys for Plaintiff, Elissa D. Miller, Chapter
7 Trustee
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1875 Century Park East, Suite 1900, Los Angeles, CA 90067.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF VOLUNTARY DISMISSAL OF COMPLAINT FOR (1) AVOIDANCE AND RECOVERY OF FRAUDULENT TRANSFERS, (2) PRESERVATION OF FRAUDULENT TRANSFERS, AND (3) DISALLOWANCE OF CLAIMS** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) April 23, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) April 23, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Via Email

Attorney for Defendants
Talitha Gray Kozlowski, Esq.
tgray@Gtg.legal

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 23, 2024

Date

Cheryl Caldwell

Printed Name

/s/Cheryl Caldwell

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

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